

**CITY OF COLD LAKE
BYLAW 704-AD-21
URBAN HEN KEEPING**

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, TO REGULATE URBAN HEN KEEPING WITHIN THE JURISDICTION OF THE CITY OF COLD LAKE

PURSUANT TO section 7(h) the *Municipal Government Act*, RSA 2000, c M-26 a Council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them; and pursuant to section 8 of the *Municipal Government Act*, a Council may by Bylaw regulate or prohibit, and provide for a system of licenses, permits or approvals;

WHEREAS Council wishes to establish a licensing program to permit, regulate and control the keeping of Hens within the City of Cold Lake on Non-Agricultural lands;

NOW THEREFORE pursuant to the authority of the *Municipal Government Act*, RSA 2000, c M-26, as amended, the Council of the City of Cold Lake duly assembled, enacts as follows:

SECTION 1 – TITLE

1.1 This Bylaw may be cited for all purposes as “Urban Hen Keeping Bylaw”.

SECTION 2 – DEFINITIONS

In this Bylaw:

- 2.1 “Abattoir” means a facility where animals are slaughtered for consumption as food for humans;
- 2.2 “Adjoining Neighbor” means an owner or occupant of a property that is contiguous to a Subject Property along a common property;
- 2.3 “*Animal Health Act*” means *Animal Health Act*, SA 2007, C A-40.2, as amended, including the associated regulations;
- 2.4 “Appeal Committee” means a Committee appointed by the CAO in accordance with this Bylaw;
- 2.5 “CAO” means the person holding the office of Chief Administrative Officer of the City of Cold Lake;
- 2.6 “City” means the municipal corporation of the City of Cold Lake or the geographical area falling within the municipal boundaries of the City of Cold Lake, as the context requires;
- 2.7 “Coop” means a fully enclosed weather proof structure intended for the keeping of urban Hens;
- 2.8 “Hen” means a domesticated female chicken that is at least 16 weeks of age;
- 2.9 “Hen Keeper” means a person having any right of custody, control, or possession of a Hen;
- 2.10 “Hen License” means a license issued under this bylaw that authorizes the keeping of Hens in the City;
- 2.11 “Municipal Violation Tag” means a notice that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
- 2.12 “Run Area” means a securely enclosed, outdoor area attached to the Coop having a bare earth or vegetated floor for Urban Hens to roam;
- 2.13 “Peace Officer” has the meaning set out in the *Provincial Offences Procedure Act*, RSA 2000, c P-3;
- 2.14 “Rooster” means a domestic male chicken;
- 2.15 “Non-Agricultural Land” means any parcel of land which is not zoned UR-Urban Reserve in accordance with the City of Cold Lake Land Use Bylaw and/or for which no Development Permit for an Agricultural Operation (Extensive) has been issued;
- 2.16 “Premises Identification Number” means a nine-character combination of numbers and letters issued by the Province of Alberta pursuant to the provisions of the *Animal Health Act* to owners of livestock;
- 2.17 “Subject Property” means a lot or parcel of land in respect of which a Hen License is sought or has been issued;

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2.18 "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*.

SECTION 3 – PURPOSE

3.1 The purpose of this bylaw is to establish a licensing program to permit, regulate and control the keeping of Hens within the City on Non-Agricultural lands.

SECTION 4 – HEN LICENCE

4.1 In the City, on Non-Agricultural Land, no Person shall

- 4.1.1 keep a Rooster;
- 4.1.2 keep a Hen without having first obtained a valid license in accordance with this Bylaw;
- 4.1.3 allow or permit any person to keep a Hen until the person has obtained a license in accordance with this Bylaw;
- 4.1.4 keep a Hen where a previous Hen License issued pursuant to this Bylaw has expired until such license has been renewed;
- 4.1.5 sell Hens or Hen products including eggs or meat from Hens raised on Non-Agricultural Land.

4.2 A Hen License may authorize a person to keep a maximum of four (4) Hens, subject to the following conditions:

- 4.2.1 Hens must be a minimum of 16 weeks old when acquired for Hen Keeping;
- 4.2.2 licenses may be valid for a maximum term of one (1) year from the date of issue;
- 4.2.3 licenses are non-transferable from one person to another or one property to another;
- 4.2.4 Hens must be kept within the confines of a fenced property;
- 4.2.5 licenses do not permit Hens to be sheltered within a residential dwelling unit;
- 4.2.6 licenses may only be considered for Subject Properties with a dwelling unit that meets the definition in the City of Cold Lake Land Use Bylaw of a "Dwelling, Single Detached" or "Manufactured Home".

4.3 The City shall have the authority in its sole discretion to determine the number of Hen Licenses to issue annually, and may issue a limited number of licenses to applicants.

4.4 No license shall be granted until such time as the applicant has provided to the satisfaction of the Licensing Authority:

- 4.4.1 proof that the applicant is a natural person aged 18 years or older;
- 4.4.2 submitted in full, the necessary fee as described in Schedule "A";
- 4.4.3 submitted in full, the complete application form, in the form prescribed by the Licensing Authority, which shall include but is not limited to:
 - 4.4.3.1 the name, address, and contact information of the person who will be the Hen Keeper;
 - 4.4.3.2 a copy of a Certificate of Title for the Subject Property issued by the Land Titles Office not more than two weeks prior to the date of the application;
 - 4.4.3.3 written permission to keep Hens on the Subject Property, from the registered owner of the Subject Property as shown on the Certificate of Title, if the Hen Keeper is not the registered owner;
 - 4.4.3.4 a drawing that shows the location and size of the Coop on the Subject Property, and associated setbacks from the Coop to the side and rear property lines, in accordance with the specifications permitted by this Bylaw;
 - 4.4.3.5 evidence that the proposed Hen Keeper has experience or training in Hen keeping to the satisfaction of the City, including written documentation to prove the applicant has completed at least one (1) accredited Hen Keeping course that is specific to the Alberta context;

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- 4.4.3.6 a copy of the Premises Identification (PID) Number applicable to Subject Property;
- 4.4.3.7 written confirmation that all Adjoining Neighbors have been notified of the intent to apply for a Hen License on the Subject Property.
- 4.4.4 Any additional information as is requested by the Licensing Authority.
- 4.5 A licensee having held a Hen License in the previous year may, at the discretion of the Licensing Authority, apply to renew their license by paying the fee as described in Schedule "A".
- 4.6 The Licensing Authority may refuse to issue, renew, or revoke a Hen License, if in their opinion there are just and reasonable grounds to do so, including but not limited to, any of the following reasons:
 - 4.6.1 an applicant for, or holder of, a Hen License does not meet or has ceased to meet the requirements of this Bylaw;
 - 4.6.2 an applicant has submitted false information;
 - 4.6.3 an applicant for, or holder of, a Hen License has outstanding unpaid fines under this Bylaw, the City of Cold Lake Bylaw No. 535-PL-14, Animal Care and Control and Bylaw;
 - 4.6.4 an applicant for, or holder of, a Hen License has been convicted of any offence involving abuse, mistreatment or negligent treatment or keeping of animals; or
 - 4.6.5 the applicant for, or holder of, a Hen License has received complaints and/or ticket(s) under this Bylaw or the City of Cold Lake Bylaw No. 535-PL-14, Animal Care and Control Bylaw;
 - 4.6.6 the applicant for, or holder of, a Hen License has received complaints and/or concerns from any person including but not limited to their adjacent neighbors which the City determines to be valid and substantive concerns that have not been able to be resolved;
 - 4.6.7 in the opinion of the City, it is in the public interest to refuse to issue, renew, or revoke a Hen License;
 - 4.6.8 the Licensing Authority has already allocated the maximum number of Hen Licenses that it determines to be appropriate.
- 4.7 The City will notify Adjoining Neighbors when a Hen License is issued.
- 4.8 This Bylaw does not exempt a person from complying with any Federal or Provincial law or regulation, other City bylaw, or any requirement of any lawful permit, order, or license.

SECTION 5 – APPEAL

- 5.1 An appeal lies from a decision of the Licensing Authority to:
 - 5.1.1 issue a Hen License, if the appellant is an Adjoining Neighbor;
 - 5.1.2 impose conditions on a Hen License, if the appellant is the person who applied for the Hen License or is an Adjoining Neighbor;
 - 5.1.3 refuse to issue or renew a Hen License, if the appellant is the person who applied for the Hen License;
 - 5.1.4 revoke a Hen License, if the appellant is the holder of the Hen License that was revoked.
- 5.2 An appeal must be in writing, addressed to the CAO, received no later than 14 days after the decision appealed from is issued.
- 5.3 An Adjoining Neighbor may appeal only if the grounds of appeal are:
 - 5.3.1 that the keeping of Hens on the Subject Property is likely to have a materially adverse effect on the health of the Adjoining Neighbor or of a person living in the premises of the Adjoining Neighbor; or
 - 5.3.2 a reason or factor listed in sections 4.6.1, 4.6.2, 4.6.4, 4.6.5, 4.6.6 or 4.6.7.
- 5.4 As soon as reasonably practicable and in any event not more than fourteen (14) days after receiving a notice of appeal, the CAO must appoint an Appeal Committee for the purpose of hearing the appeal.

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- 5.5 The Appeal Committee shall consist of two (2) members of Council, and the CAO or their designate.
- 5.6 The Appeal Committee shall schedule the hearing of the appeal within thirty (30) days after notice of the appeal has been received and provide notice of the hearing to the person who applied for the Hen license, the Licensing Authority and the appellant.
- 5.7 Subject to the requirements of this Bylaw, the Appeal Committee members shall, from among themselves, choose a Chair and may establish a procedure consistent with principles of natural justice for the hearing of the appeal.
- 5.8 The Appeal Committee shall provide its decision in writing, with reasons, within seven (7) business days of the hearing of the appeal. The Appeal Committee may:
 - 5.8.1 uphold the decision of the Licensing Authority;
 - 5.8.2 vary the decision of the Licensing Authority, including imposing conditions on a Hen License that differ from any conditions imposed by the Licensing Authority; or
 - 5.8.3 overturn the decision of the Licensing Authority.

SECTION 6 – RESPONSIBILITIES OF HEN KEEPER

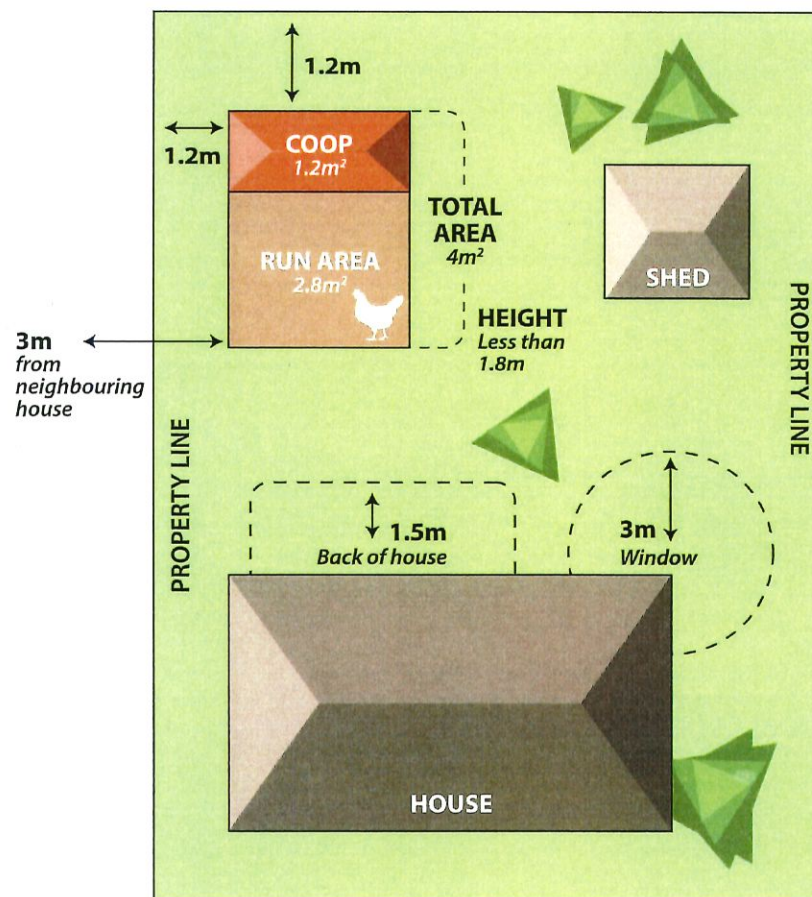
- 6.1 Hen Keepers and owners of a Subject Property must:
 - 6.1.1 comply with the section 59 of the *Animal Health Act* SA 2007, C A-40.2
 - 6.1.2 ensure good husbandry practices where each Hen is provided with food, unfrozen water, shelter, adequate light, ventilation, warmth, veterinary care, and opportunities to scratch, peck, dust-bathe, roost, and socialize with other Hens;
 - 6.1.3 provide warmth to the Hens through heat lamps, wall insulation, poly-sheeting, seedling heat mats, or other means;
 - 6.1.4 maintain the Coop in good repair and sanitary conditions, free from vermin and noxious and offensive smells and substances;
 - 6.1.5 construct and maintain the Coop to prevent rodents from being harbored underneath, within, or within the walls of the Coop, and to prevent access to the Coop by any other animal;
 - 6.1.6 keep each Hen in a secured area at all times;
 - 6.1.7 keep each Hen locked in the Coop from sunset on any given day, to sunrise the following day;
 - 6.1.8 ensure that Hens are kept in the Coop with all openings, such as doors and windows, secured in such a manner that will not allow predators to enter;
 - 6.1.9 keep food and water containers in the Coop;
 - 6.1.10 store feed in a fully enclosed, non-penetrable container;
 - 6.1.11 remove leftover feed, trash, and manure, in a timely manner;
 - 6.1.12 follow biosecurity procedures recommended by the Canadian Food Inspection Agency (CFIA);
 - 6.1.13 ensure Hens are slaughtered or euthanized at an appropriate location or facility, not on the Subject Property;
 - 6.1.14 dispose of the carcass of a Hen deceased by natural causes, by double bagging and bringing it to a veterinarian, farm, abattoir, or other operation that is lawfully permitted to dispose of Hens;
 - 6.1.15 take Hens to a veterinarian, farm, abattoir, or other operation if Hens are no longer wanted;
 - 6.1.16 keep a Hen in a cage only when actively transporting the Hen.

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SECTION 7 – COOP REQUIREMENTS

7.1. The Hen enclosure (which includes the Coop and Run Area):

- 7.1.1 must prevent Hens from escaping and other animals from entering,
- 7.1.2 must not exceed a maximum floor area of 9.2 square meters (m²),
- 7.1.3 must include a minimum of 0.37 m² of Coop area per Hen, and 0.92 m² of run area per Hen,
- 7.1.4 must be located a minimum of: 1.2 meters (m) from all adjacent property lines; 1.5 m from the property's house; and 3 m from windows and doors of the residential structure on the property and any neighboring house,
- 7.1.5 must be a maximum height of 1.8 m or less,
- 7.1.6 must have adequate ventilation, climate-appropriate roosting platforms/bars, nest boxes, sufficient perch locations, and
- 7.1.7 must be weather and predator proof.



7.4 The owner shall ensure the Coops are properly maintained in a clean condition to prevent negative impacts, including but not limited to: attacking nuisance animals, the spread of food over the property and shall be kept free of obnoxious odors, or noise;

7.5 The owner must ensure the Coop and Run Area are secured from sunset to sunrise.

SECTION 8 – ENFORCEMENT

- 8.1 A person who contravenes any provision of this Bylaw is guilty of an offence.
- 8.2 At any time, the Licensing Authority or a Peace Officer may enter upon any Subject Property to inspect for compliance with this bylaw.
- 8.3 Should a Hen keeping site, Coop, or Hen Keeper be found to be non-compliant with this Bylaw at any time, enforcement action may be taken including without limitation: issuing a Municipal Violation Tag or Violation Ticket, revocation of a Hen License or issuance of a Stop Order under Section 645 of the Municipal Government Act.
- 8.4 Should Hens and/or a Coop be ordered to be removed, all costs and associated expenditures related to the removal shall be the responsibility of the property owner.
- 8.5 In the case of an offence that is of a continuing nature, a contravention of a provision of this bylaw

constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues. A person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence

- 8.6 A Person who is guilty of an offence under this Bylaw is liable to a specified penalty of \$250.00. The penalty for a second offence, within the same calendar year, shall be \$500.00. The penalty for a third and subsequent offence, within a calendar year, shall be \$750.00.
- 8.7 A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw.
- 8.8 Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the fine amount may be made as directed on the Violation Ticket.

SECTION 9 – ENACTMENT

9.1 This bylaw shall come into full force and effect immediately upon the date of its final passing.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 11th day of May, 2021, A.D. on motion by Councillor Grau.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 25th day of May 2021, A.D. on motion by Councillor Lefebvre.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 25th day of May 2021, A.D. on motion by Councillor Soroka.

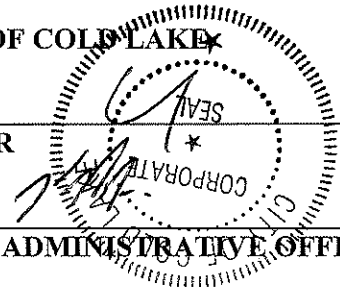
**CARRIED
UNANIMOUSLY**

Executed this 25th day of May, 2021.

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER



SCHEDULE A - FEES

Fee Description	Fee
Hen License Fee	\$30

Enforcement	Penalty
First Offence	\$250
Second Offence (within the same calendar year)	\$500
Third Offence (within the same calendar year)	\$750

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